

KENNEDY, JENNICK & MURRAY, P.C.

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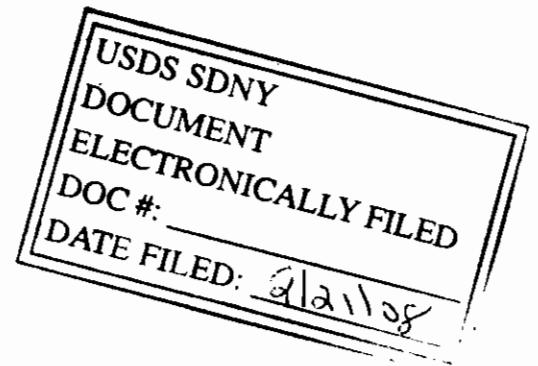
ELIZABETH M. PILECKI (NJ, MA)
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BERNHARD W. RDHRBACHER (CA ONLY)
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February 20, 2008

VIA EMAIL

Richard J. Sullivan, D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Local 215, District Council 1707, AFSCME
v. Paul J. Cooper Center for Human Services
07 Cv 10487



Dear Judge Sullivan:

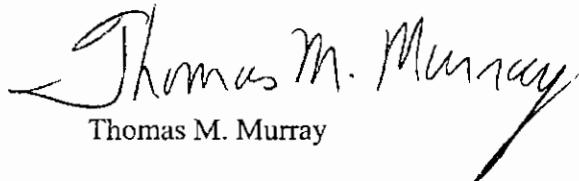
1. This is an action brought under the Federal Arbitration Act and Section 301 of the Labor Management Relations Act to confirm and arbitration award. I anticipate that Defendant's principal defenses will be that the arbitrator retained jurisdiction to resolve disputes regarding the implementation of the award and, thus, the motion to confirm is premature and not ripe for judicial intervention.
2. There are currently no outstanding motions. Plaintiff intends to file a request to file a motion to confirm.
3. There is a conference scheduled for February 21, 2008.
4. No discovery is necessary in this action.
5. There has been no settlement discussions since the filing of this action.
6. A trial will not be necessary in this action.
7. Discovery and a trial will not be necessary in this action because this is an action to confirm an arbitration award. Plaintiff filed this action more than 90 days after the arbitration award issued. Defendant did not file a motion to vacate within those 90 days, which is the statute of limitations for filing a motion to vacate an arbitration award in New York. See Local 802, Associated Musicians of Greater New York v. Parker

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Meridien Hotel, 145 F.3d 85, 88 (2d Cir. 1998). "When the three month limitations period has run without vacation of the arbitration award, the successful party has a right to assume the award is valid and untainted, and to obtain its confirmation in a summary proceeding." Id. at 89.

Respectfully submitted:


Thomas M. Murray

Cc: Donald E. Maher

Since the parties failed to submit a joint status letter by February 13, 2008, as previously directed by the Court, the status conference scheduled for February 21, 2008 is hereby adjourned until March 6, 2008 at 10:00 am. Defense counsel is directed to submit a letter to the Court, no later than February 26, 2008 at 5:00 pm, setting forth (1) the reason(s) for defendant's failure to comply with the Court's January 29, 2008 Order (attached), and (2) responses to items 1-7 in the January 29, 2008 order.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Local 215, et al

Plaintiff,

-v-

Paul J. Cooper Center for Human Services
Incorporated,

Defendant.

RICHARD J. SULLIVAN, District Judge:

The above-entitled action has been assigned to my docket. Accordingly, the parties are hereby ORDERED to appear for a status conference on **February 21, 2008 at 11:45am** in Courtroom 21C of the United States District Court for the Southern District of New York, 500 Pearl Street, NYC.

IT IS HEREBY ORDERED that, by **4pm on February 13**, the parties shall jointly submit a letter, not to exceed five (5) pages, providing, in separate paragraphs:

- (1) A brief statement of the nature of the action and the principal defenses thereto;
- (2) A brief description of all outstanding motions and/or outstanding requests to file motions;
- (3) A list of all existing deadlines and any upcoming conferences that were previously scheduled;
- (4) A brief description of any discovery remaining, specifying that which is necessary for the parties to engage in meaningful settlement negotiations;
- (5) A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any;
- (6) The estimated length of trial;
- (7) Any other information that you believe may assist this Court in resolving this action.

In addition, the parties are directed to complete the Case Management plan and Order that can be accessed from my Individual Rules on the SDNY website at http://www1.nysd.uscourts.gov/judge_info.php?id=99 and submit it to the Court not later than **4pm on February 13**.

The status letter and the proposed Case Management plan submitted to the Court pursuant to this Order should be e-mailed directly to my case manager in chambers, at the following e mail address- eileen_levine@nysd.uscourts.gov. Do not file thru ECF. Please consult my Individual Rules with respect to communications with chambers and related matters.

COUNSEL FOR THE DEFENDANT SHALL NOTIFY ALL PARTIES.

SO ORDERED.

DATED:

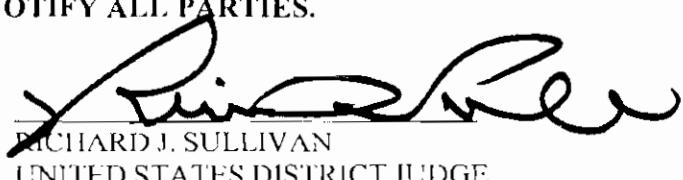
New York, New York 1/21, 2008

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 1129108
DATE FILED: 1/29/08

Case No. 07-CV-010487(RJS)

ORDER

ECF


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE